UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,829	11/03/2003	Kenneth E. Feuerman	07844-612001	6257

21876 7590 06/07/2007

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
TRAN, QUOC A	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
06/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/700,829	FEUERMAN, KENNETH E.	
	Examiner	Art Unit	
	Tran A. Quoc	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,11-22,24,34-45 and 47-52* is/are pending in the application.

4a) Of the above claim(s) *13-21 and 36-44* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 11-12, 22, 24, 34-35, 45, and 47-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03-29-2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

6/3/07

DETAILED ACTION

1. This is a **Non-Final** rejection in response to RCE filed on 03-29-2007.

2. Claims 1, 11-22, 24, 34-35, 45 and 47-52 are pending. Claims 2-10, 23, 25-33, and 46 are cancelled. Claims 12-21, and 36-44 are withdrawn from consideration (Non-elected claims). Claims 47-52 are newly added.

3. Effective filing date is 11-03-2003 (Assignee: Adobe).

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03-29-2007 has been entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 1, 11-12, 22, 24, 34-35, 45, and 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. US 20070011206A1 Con of 09/396,702 filed 09-14-1999 (hereinafter Gupta), in view of Dodrill et al. US006766298B1 filed 01-11-2000 (hereinafter Dodrill).

Regarding **independent claim 1**, Gupta teaches:

> **A computer-implemented method for generating an audio-based form including one or more data fields, the method comprising: defining zoning information identifying a temporal location and temporal dimensions of the one or more data fields of the audio-based form.**

(See Gupta para 6 discloses a multimedia presentations, includes "annotations" relating to the multimedia presentation. An annotation is data (e.g., audio, text, video, etc.) that corresponds to a multimedia presentation. These annotations typically correspond to a particular temporal location in the multimedia presentation.

Also, see Gupta para 43, teaching Annotation Back End (ABE) 132 of annotation server 10 also manages the interactive generation and presentation of streaming media data from server

computer 11 of FIG. 1 using "playlists" (i.e. A "playlist" is a listing of one or more multimedia segments to be retrieved and presented in a given order) each of the multimedia segments in the playlist is defined by a source identifier, a start time, and an end time. The source identifier identifies which media stream segment is part of the temporal location within the media stream.

Also, see Gupta fig. 4 and para 45, discloses an annotation entry fields item 182-204.

Also, See Gupta fig. 7 and para 70, teaching a thumb 265 that moves within time strip 264 indicates a particular temporal position within the media stream.

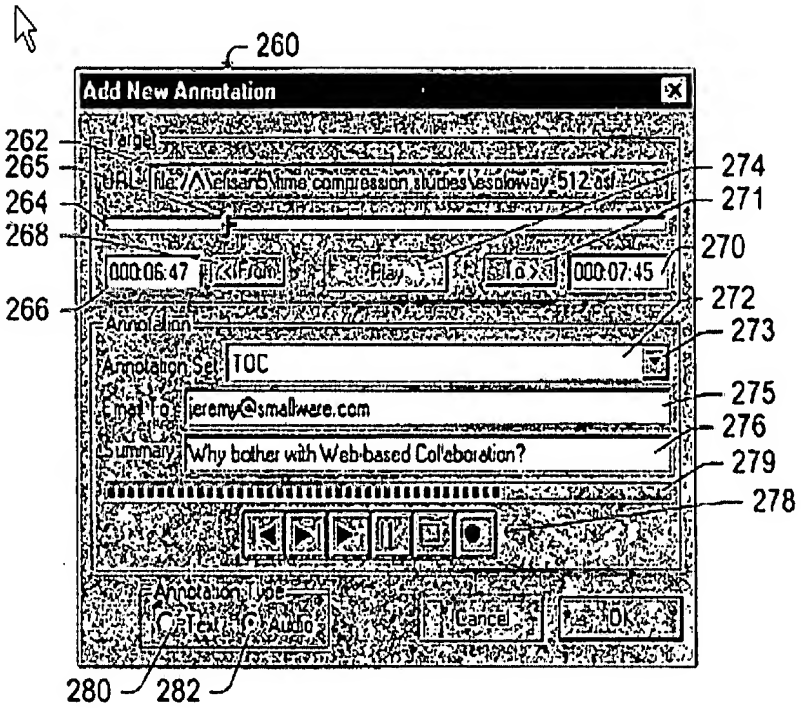

Fig. 7

Using the broadest reasonable interpretation, the examiner equates the claimed **audio-based form** as equivalent to audio multimedia presentation includes "playlist", which is a listing of one or more multimedia segments to be retrieved and presented in a given order as taught by Gupta.

In addition, Gupta does not explicitly teach, but Dodrill teaches:

> **defining structural information including a name for each of the one or more data fields and a description of a type of user data expected to be provided for each of the one or more data fields; encoding the zoning and structural information in one or more audio signals; and incorporating the one or more audio signals including the encoded zoning and structural information into the audio-based form.**

(See Dodrill col 11, lines 15-40, teaching XML pages define logical operations, where the parameters and attributes may be set and compared and used by the application logic. The XML document may specify logic in the form of menu structures, equivalent to if/then/else statements,

Also, see Dodrill col. 11 lines 54-60, teaching decision XML documents also include activity tags but do not rely on user input; rather, the decision XML document includes options tags that specify the actions to be taken based on the respective values returned by the procedure call specified by the activity tag.

Also, see Dodrill fig. 7 and col. 11 line 65 through col. 8 line 30, illustrating the web page 190 includes a standard embed tag 200 in HTML format, and an in line XML portion 202 that includes media control information, such as a prompt list 204 (i.e. For example, the prompt list 204 specifies an audio file "wavfile.wav" to be played by the browser, for example as a welcome greeting. If the plug-in resource 86 in the browser is XML control aware, then the XML aware audio resource 86 begins to play the audio files "wavurl1" and "wavurl2" in the prescribed sequence. For example, the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number followed by the Pound (#) Key" prompt for

wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry). The browser can then "quietly" post the recorded audio file to the "upload URL" specified in the record tag 206, and then post the user input (e.g., as specified in the HTML form 208) to another URL specified within the HTML form 208).

```
<HTML>
<HEAD>
<TITLE> Hello </TITLE>
<BODY>
        <FORM>
208 ->          (Form contents)
        </FORM>
200 -> <EMBED file="http://server/wavdirectory/wavfile.wav"
                autostart = true>
        <XML>
        204 -><PROMPTLIST>
                    <PROMPT type = "wav" name = "wavurl1"/>
202 ->              <PROMPT type = "wav" name = "wavurl2"/>
        </PROMPTLIST>
        206 -><RECORD upload = "upload URL"
                    filename = "local filename to use"
                    maxlength = "maximum record length"

        />
</XML>
</HTML>

</body>
</html>
```

190

FIG. 7

Using the broadest reasonable interpretation, the examiner equates the claimed **the zoning and structural information in one or more audio signals** as equivalent to the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number

followed by the Pound (#) Key" prompt for wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry as taught by Dodrill.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gupta's audio media stream segment is part of the temporal location within the media stream, to include a means of defining structural information including a name for each of the one or more data fields and a description of a type of user data expected to be provided for each of the one or more data fields; encoding the zoning and structural information in one or more audio signals; and incorporating the one or more audio signals including the encoded zoning and structural information into the audio-based form as taught by Dodrill. One of the ordinary skills in the art would have been motivated to modify this combination, because they are from the same field of endeavor of xml voice enable and synchronized media that share a common timeline, and unified web-based voice messaging system provides voice application control between a web browser and an application server via an hypertext transport protocol (HTTP) connection on an Internet Protocol (IP) network. The web browser receives an HTML page from the application server having an XML element that defines data for an audio operation to be performed by an executable audio resource (see Dodrill at the abstract).

Regarding **independent claim 12,** the rejection of claim 1 is fully incorporated and is similarly rejected along the same rationale.

In addition, Gupta teaches:

generating a form definition defining the audio-based form,

(See Gupta para 43, teaching Annotation Back End (ABE) 132 of annotation server 10 also manages the interactive generation and presentation of streaming media data from server computer 11 of FIG. 1 using "playlists" (i.e. A "playlist" is a listing of one or more multimedia segments to be retrieved and presented in a given order) each of the multimedia segments in the playlist is defined by a source identifier, a start time, and an end time. the source identifier identifies which media stream segment is part of the temporal location within the media stream. Using the broadest reasonable interpretation, the examiner equates the claimed **audio-based form** as equivalent to audio multimedia presentation includes "playlist", which is a listing of one or more multimedia segments to be retrieved and presented in a given order as taught by Gupta.

wherein audio data entered into the audio-based form by a user can be extracted from the audio-based form based on the encoded zoning and structural information without access to a source of zoning or structural information external to the audio-based form.

(See Gupta para 43, teaching Annotation Back End (ABE) 132 of annotation server 10 also manages the interactive generation and presentation of streaming media data from server computer 11 of FIG. 1 using "playlists" (i.e. A "playlist" is a listing of one or more multimedia segments to be retrieved and presented in a given order) each of the multimedia segments in the playlist is defined by a source identifier, a start time, and an end time. The source identifier

identifies which media stream segment is part of the temporal location within the media stream. Using the broadest reasonable interpretation, the examiner equates the claimed **audio-based form** as equivalent to audio multimedia presentation, includes "playlist", which is a listing of one or more multimedia segments to be retrieved and presented in a given order as taught by Gupta.

Regarding **independent claim 22,** the rejection of claim 12 is fully incorporated and is similarly rejected along the same rationale.

Regarding **independent claim 24** is directed toward a computer program product performing the method of claim 12 and is similarly rejected under the same rationale.

Regarding **independent claims 35 and 45** is directed toward a computer program performing the method of claim 12 and are similarly rejected under the same rationale.

Regarding **claim 11,** the rejection of claim 12 is fully incorporated and is similarly rejected along the same rationale.

Regarding **claim 34** is directed toward a computer program performing the method of claim 11 and are similarly rejected under the same rationale.

Regarding **claim 47,** Gupta does not explicitly teach, but Dodrill teaches:

encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form.

(See Dodrill col 11, lines 15-40, teaching XML pages define logical operations, where the parameters and attributes may be set and compared and used by the application logic. The XML document may specify logic in the form of menu structures, equivalent to if/then/else statements,

Also, see Dodrill col. 11 lines 54-60, teaching decision XML documents also include activity tags but do not rely on user input; rather, the decision XML document includes options tags that specify the actions to be taken based on the respective values returned by the procedure call specified by the activity tag.

Also, see Dodrill fig. 7 and col. 11 line 65 through col. 8 line 30, illustrating the web page 190 includes a standard embed tag 200 in HTML format, and an in line XML portion 202 that includes media control information, such as a prompt list 204 (i.e. For example, the prompt list 204 specifies an audio file "wavfile.wav" to be played by the browser, for example as a welcome greeting. If the plug-in resource 86 in the browser is XML control aware, then the XML aware audio resource 86 begins to play the audio files "wavurl1" and "wavurl2" in the prescribed sequence. For example, the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number followed by the Pound (#) Key" prompt for wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the

characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry). The browser can then "quietly" post the recorded audio file to the "upload URL" specified in the record tag 206, and then post the user input (e.g., as specified in the HTML form 208) to another URL specified within the HTML form 208).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gupta's audio media stream segment is part of the temporal location within the media stream, to include a means of encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form as taught by Dodrill. One of the ordinary skills in the art would have been motivated to modify this combination, because they are from the same field of endeavor of xml voice enable and synchronized media that share a common timeline, and unified web-based voice messaging system provides voice application control between a web browser and an application server via an hypertext transport protocol (HTTP) connection on an Internet Protocol (IP) network. The web browser receives an HTML page from the application server having an XML element that defines data for an audio operation to be performed by an executable audio resource (see Dodrill at the abstract).

Regarding **claim 48,** Gupta does not explicitly teach, but Dodrill teaches:

encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and

incorporating the one or more audio signals including the encoded instructions into the audio-based form.

(See Dodrill col 11, lines 15-40, teaching XML pages define logical operations, where the parameters and attributes may be set and compared and used by the application logic. The XML document may specify logic in the form of menu structures, equivalent to if/then/else statements,

Also, see Dodrill col. 11 lines 54-60, teaching decision XML documents also include activity tags but do not rely on user input; rather, the decision XML document includes options tags that specify the actions to be taken based on the respective values returned by the procedure call specified by the activity tag.

Also, see Dodrill fig. 7 and col. 11 line 65 through col. 8 line 30, illustrating the web page 190 includes a standard embed tag 200 in HTML format, and an in line XML portion 202 that includes media control information, such as a prompt list 204 (i.e. For example, the prompt list 204 specifies an audio file "wavfile.wav" to be played by the browser, for example as a welcome greeting. If the plug-in resource 86 in the browser is XML control aware, then the XML aware audio resource 86 begins to play the audio files "wavurl1" and "wavurl2" in the prescribed sequence. For example, the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number followed by the Pound (#) Key" prompt for wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry). The browser can then "quietly" post the recorded audio file to the

"upload URL" specified in the record tag 206, and then post the user input (e.g., as specified in the HTML form 208) to another URL specified within the HTML form 208).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gupta's audio media stream segment is part of the temporal location within the media stream, to include a means of encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form as taught by Dodrill. One of the ordinary skills in the art would have been motivated to modify this combination, because they are from the same field of endeavor of xml voice enable and synchronized media that share a common timeline, and unified web-based voice messaging system provides voice application control between a web browser and an application server via an hypertext transport protocol (HTTP) connection on an Internet Protocol (IP) network. The web browser receives an HTML page from the application server having an XML element that defines data for an audio operation to be performed by an executable audio resource (see Dodrill at the abstract).

Regarding **claim 49,** Gupta does not explicitly teach, but Dodrill teaches:

> **encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form.**

(See Dodrill col 11, lines 15-40, teaching XML pages define logical operations, where the parameters and attributes may be set and compared and used by the application logic. The XML document may specify logic in the form of menu structures, equivalent to if/then/else statements,

Also, see Dodrill col. 11 lines 54-60, teaching decision XML documents also include activity tags but do not rely on user input; rather, the decision XML document includes options tags that specify the actions to be taken based on the respective values returned by the procedure call specified by the activity tag.

Also, see Dodrill fig. 7 and col. 11 line 65 through col. 8 line 30, illustrating the web page 190 includes a standard embed tag 200 in HTML format, and an in line XML portion 202 that includes media control information, such as a prompt list 204 (i.e. For example, the prompt list 204 specifies an audio file "wavfile.wav" to be played by the browser, for example as a welcome greeting. If the plug-in resource 86 in the browser is XML control aware, then the XML aware audio resource 86 begins to play the audio files "wavurl1" and "wavurl2" in the prescribed sequence. For example, the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number followed by the Pound (#) Key" prompt for wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry). The browser can then "quietly" post the recorded audio file to the "upload URL" specified in the record tag 206, and then post the user input (e.g., as specified in the HTML form 208) to another URL specified within the HTML form 208).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gupta's audio media stream segment is part of the temporal location within the media stream, to include a means of encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form as taught by Dodrill. One of the ordinary skills in the art would have been motivated to modify this combination, because they are from the same field of endeavor of xml voice enable and synchronized media that share a common timeline, and unified web-based voice messaging system provides voice application control between a web browser and an application server via an hypertext transport protocol (HTTP) connection on an Internet Protocol (IP) network. The web browser receives an HTML page from the application server having an XML element that defines data for an audio operation to be performed by an executable audio resource (see Dodrill at the abstract).

Regarding **claim 50,** Gupta does not explicitly teach, but Dodrill teaches:

> **encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form.**

(See Dodrill col 11, lines 15-40, teaching XML pages define logical operations, where the parameters and attributes may be set and compared and used by the application logic. The XML document may specify logic in the form of menu structures, equivalent to if/then/else statements,

Also, see Dodrill col. 11 lines 54-60, teaching decision XML documents also include activity tags but do not rely on user input; rather, the decision XML document includes options tags that specify the actions to be taken based on the respective values returned by the procedure call specified by the activity tag.

Also, see Dodrill fig. 7 and col. 11 line 65 through col. 8 line 30, illustrating the web page 190 includes a standard embed tag 200 in HTML format, and an in line XML portion 202 that includes media control information, such as a prompt list 204 (i.e. For example, the prompt list 204 specifies an audio file "wavfile.wav" to be played by the browser, for example as a welcome greeting. If the plug-in resource 86 in the browser is XML control aware, then the XML aware audio resource 86 begins to play the audio files "wavurl1" and "wavurl2" in the prescribed sequence. For example, the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number followed by the Pound (#) Key" prompt for wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry). The browser can then "quietly" post the recorded audio file to the "upload URL" specified in the record tag 206, and then post the user input (e.g., as specified in the HTML form 208) to another URL specified within the HTML form 208).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gupta's audio media stream segment is part of the temporal location within the media stream, to include a means of encoding instructions

indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form as taught by Dodrill. One of the ordinary skills in the art would have been motivated to modify this combination, because they are from the same field of endeavor of xml voice enable and synchronized media that share a common timeline, and unified web-based voice messaging system provides voice application control between a web browser and an application server via an hypertext transport protocol (HTTP) connection on an Internet Protocol (IP) network. The web browser receives an HTML page from the application server having an XML element that defines data for an audio operation to be performed by an executable audio resource (see Dodrill at the abstract).

Regarding **claim 51,** Gupta does not explicitly teach, but Dodrill teaches:

> **encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form.**

(See Dodrill col 11, lines 15-40, teaching XML pages define logical operations, where the parameters and attributes may be set and compared and used by the application logic. The XML document may specify logic in the form of menu structures, equivalent to if/then/else statements,

Also, see Dodrill col. 11 lines 54-60, teaching decision XML documents also include activity tags but do not rely on user input; rather, the decision XML document includes options tags that specify the actions to be taken based on the respective values returned by the procedure call specified by the activity tag.

Also, see Dodrill fig. 7 and col. 11 line 65 through col. 8 line 30, illustrating the web page 190 includes a standard embed tag 200 in HTML format, and an in line XML portion 202 that includes media control information, such as a prompt list 204 (i.e. For example, the prompt list 204 specifies an audio file "wavfile.wav" to be played by the browser, for example as a welcome greeting. If the plug-in resource 86 in the browser is XML control aware, then the XML aware audio resource 86 begins to play the audio files "wavurl1" and "wavurl2" in the prescribed sequence. For example, the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number followed by the Pound (#) Key" prompt for wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry). The browser can then "quietly" post the recorded audio file to the "upload URL" specified in the record tag 206, and then post the user input (e.g., as specified in the HTML form 208) to another URL specified within the HTML form 208).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gupta's audio media stream segment is part of the temporal location within the media stream, to include a means of encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form as taught by Dodrill. One of the ordinary skills in the art would have been motivated to modify this combination, because they are from the same field of

endeavor of xml voice enable and synchronized media that share a common timeline, and unified web-based voice messaging system provides voice application control between a web browser and an application server via an hypertext transport protocol (HTTP) connection on an Internet Protocol (IP) network. The web browser receives an HTML page from the application server having an XML element that defines data for an audio operation to be performed by an executable audio resource (see Dodrill at the abstract).

Regarding **claim 52,** Gupta does not explicitly teach, but Dodrill teaches:

> **encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form.**

(See Dodrill col 11, lines 15-40, teaching XML pages define logical operations, where the parameters and attributes may be set and compared and used by the application logic. The XML document may specify logic in the form of menu structures, equivalent to if/then/else statements,

Also, see Dodrill col. 11 lines 54-60, teaching decision XML documents also include activity tags but do not rely on user input; rather, the decision XML document includes options tags that specify the actions to be taken based on the respective values returned by the procedure call specified by the activity tag.

Also, see Dodrill fig. 7 and col. 11 line 65 through col. 8 line 30, illustrating the web page 190 includes a standard embed tag 200 in HTML format, and an in line XML portion 202 that includes media control information, such as a prompt list 204 (i.e. For example, the prompt

list 204 specifies an audio file "wavfile.wav" to be played by the browser, for example as a welcome greeting. If the plug-in resource 86 in the browser is XML control aware, then the XML aware audio resource 86 begins to play the audio files "wavurl1" and "wavurl2" in the prescribed sequence. For example, the XML aware audio resource 86 plays a "Good Morning" prompt for wavurl1 and "Enter Your Phone Number followed by the Pound (#) Key" prompt for wavurl2, while waiting for an input pattern ([0-9][7,9]#). This exemplary pattern ([0-9][7,9]#) specifies to the XML aware audio resource 86 that a valid input is composed of any string of the characters 0 through 9 for a length of 7 to 9 digits, followed by a pound key. The XML aware audio resource 86 continues to play the audio files in the prescribed sequence while waiting for the user to input a key entry). The browser can then "quietly" post the recorded audio file to the "upload URL" specified in the record tag 206, and then post the user input (e.g., as specified in the HTML form 208) to another URL specified within the HTML form 208).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gupta's audio media stream segment is part of the temporal location within the media stream, to include a means of encoding instructions indicating where and how to transmit user data extracted from the audio-based form into one or more audio signals; and incorporating the one or more audio signals including the encoded instructions into the audio-based form as taught by Dodrill. One of the ordinary skills in the art would have been motivated to modify this combination, because they are from the same field of endeavor of xml voice enable and synchronized media that share a common timeline, and unified web-based voice messaging system provides voice application control between a web browser and an application server via an hypertext transport protocol (HTTP) connection on an

Internet Protocol (IP) network. The web browser receives an HTML page from the application server having an XML element that defines data for an audio operation to be performed by an executable audio resource (see Dodrill at the abstract).

6. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Argument

7. Applicant's arguments with respect to claims 1, 11-12, 22, 34-35, and 45 have been considered but are moot in view of the new ground(s) of rejection. This office action is a Non-Final Rejection in order to give the applicant sufficient opportunity to response to the new line of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on 9AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
06-04-2007

Doug Hutton
Primary Examiner
Technology Center 2100